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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,033	07/25/2001	Brian Morrison	60426-204-2000P07848US01	7029

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY LAW DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

HOLLOWAY III, EDWIN C

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/915,033

Applicant(s)

MORRISON ET AL.

Examiner

Edwin C. Holloway, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3 . 6) ☐ Other: _____

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EXAMINER'S RESPONSE

1. In response to the application filed 7-25-01 and the preliminary amendment filed 8-6-02, the application has been examined. All the amendments to the claims have been entered. The examiner has considered the new presentation of claims and applicant's arguments in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action :

Claim Rejections - 35 USC § 102 & 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambropoulos (US 4881148) and Prosan (US 4525805).

Lambropoulos discloses a vehicle entry remote control transmitter and method with a unique code stored by the manufacturer randomly selecting a number from a source such as a number generator. See col. 4 lines 15-30.

Prosan discloses an analogous art key programming method and key that randomizes a serial number at the factory to provide cipher code for a key that may be easily and consistently implemented. See cols. 3 and 8.

Regarding claims 1 and 6, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the random number of Lambropoulos as time varying non-sequential code in view of the randomized serial number of Prosan to allow coding that is easily and consistently implemented. Alternatively, it would have been obvious to have provided the key of Prosan with a transmitter as disclosed in Lambropoulos to allow remote entry control.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lambropoulos (US 4881148) and Prosan (US 4525805) as applied above and further in view of Guerin (US 6380843). Guerin discloses an analogous art key programming

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method with serial number, date and time information in cols. 3 and to allow detection of false keys. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the combination applied above the date and time as disclosed in Guerin to detect falsification.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lambropoulos (US 4881148), Prosan (US 4525805) and Guerin (US 6380843) as applied above and further in view of Kurosu (US 4683540). Kurosu discloses including an assembly line serial number in the abstract and col. 7 for proper tracking of parts. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the serial number of the combination applied above an assembly line number as disclosed in Kurosu to allow proper tracking of parts.

7. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambropoulos (US 4881148) and Prosan (US 4525805) as applied above and further in view of Koopman (US 5363448) or Waraksa (US 5412379). Koopman and Waraksa discloses an analogous art remote entry transmitters with counter and XOR to generate a random number. See cols. 11-12 of Koopman and col. 11 of Waraksa. It would have been obvious to one of

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ordinary skill in the art at the time the invention was made to have included in the combination applied above the counter and XOR Koopman or Waraksa as a convenient manner to provide the generate a random number generation Lambropoulos and Prosan.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pogue (US 5144667) discloses a remote entry system with different codes selected at manufacture, Disbrow (US 5625349) discloses an electronic key with serial number and manufacture date and Hewitt (US 5676622) discloses a remote entry system with serial number code.


CONTACT INFORMATION

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology center 2600 receptionist whose telephone number is (703) 305-4700.

Facsimile submissions may be sent via fax number (703) 872-9314 to customer service for entry by technical support staff. Questions regarding fax submissions should be directed to customer service voice line (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (703) 305-4818. The examiner can normally be reached on M-F (8:30:-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704.

EH
12/14/03


EDWIN C. HOLLOWAY, III
PRIMARY EXAMINER
ART UNIT 2635